

FOR IMMEDIATE RELEASE

NEWS MEDIA CONTACT

MORGAN BROMAN AT (202) 418-2358

Report No. CS 99-6

CABLE SERVICES ACTION

March 31, 1999

COMMISSION ADOPTS STREAMLINED  
CABLE TELEVISION SYSTEM INFORMATION FORM 325  
(CS Docket No. 98-61)

As part of the an ongoing biennial review effort to streamline the regulatory process, the Commission has adopted a Report and Order revising and streamlining Form 325, the "Annual Report of Cable Television Systems." The purpose of Form 325 is to help gather information on cable television systems for, among other things, predicting industry trends and formulating Commission policy.

Form 325 solicits basic operational information from all U.S. cable television systems, including: the operator's name and address; system-wide capacity and frequency information; channel usage; and number of subscribers. In the past, in order to ensure the accuracy and usefulness of the data obtained, the Form 325 was mailed to every cable system in the country - nearly 11,000 systems.

The order states that the Commission believes that it is best to strike a balance between the need to gather the public information necessary for the Commission to carry out its regulatory functions and burdens placed upon cable operators. In order to reduce the information gathering burdens placed upon the industry in the Form 325 information collection process, the Commission determined that its objectives could best be achieved by drastically reducing the universe of system operators required to file the form and modifying the form itself.

Key modifications to the Form 325 include:

- ☐ now approximately only 1,100 cable operators will be required to file the Form 325.
- ☐ The Form 325 will be required to be filed by all cable operators who have 20,000 subscribers or more.
- ☐ utilization of a sampling methodology for cable systems that have less than 20,000 subscribers.
- ☐ collecting information only on a Physical System Identification Number basis ( as opposed to the old Form 325 which collected information on both a Community Unit Identification Number basis as well as the Physical System Identification Number basis.
- ☐ the new Form 325 will consist of two sections - "General Information" and "Frequency and Signal Distribution Information"
- ☐ the new Form 325 will aid the Commission in making policy decisions in such areas as digital television broadcast signal carriage, leased access and must carry and retransmission consent.

This action is initiated in conjunction with the 1998 biennial regulatory review process. Although Section 11 does not specifically refer to cable

operations, the Commission has determined that the 1998 biennial review presents an opportunity to examine all of the Commission's regulations.

Action by the Commission February 1, 1999, by report and order (FCC 99-13). Chairman Kennard, Commissioners Ness and Tristani, with Commissioners Furchtgott-Roth and Powell dissenting and issuing statements.

-FCC -

News Media contact: Morgan Broman at (202) 418-0852.  
Cable Services Bureau contact: Karen Kosar at (202) 418-7200.

Dissenting Statement of Commissioner Harold Furchtgott-Roth  
1998 Biennial Regulatory Review: "Annual Report of Cable Television  
Systems, Form 325,  
Filed Pursuant to Section 76.403 of the Commission's Rules, CS Docket No.  
98-61

For the following reasons, I would have eliminated altogether the rule  
requiring cable operators to file Form 325.

First, the collection of this information is not statutorily required, nor  
does the item identify any specific, statutorily-based purpose for this  
information once collected. As I have said in other contexts, we should not  
compile data for its own sake. See 1998 Biennial Regulatory Review --  
Streamlining of Mass Media Applications, Rules, and Processes; Policies and  
Rules Regarding Minority and Female Ownership of Mass Media Facilities; MM  
Docket Nos. 98-43, 91-140, 94-149 (released Dec. 3, 1998). As Commissioner  
Powell points out, the fact that we have not collected this information for the  
last four years undermines the assertion of actual need for it.

Second, any information that we need in order to make regulations  
governing cable operators can be obtained in the context of specific  
rulemakings. Those interests whose business operations will be affected by  
proposed regulations have every incentive to provide the Commission with  
information on relevant topics. Moreover, general industry information can be  
readily obtained from private groups, such as the National Cable Television  
Association, or from industry publications.

Third, any rationale for the collection of this information loses force  
when the filing requirement is not applied evenly to all cable operators. The  
usefulness of information gleaned from only a small segment of the industry is  
limited. I also question the fairness of a sampling system as an alternative,  
since, at the end of the day, responding to these inquiries is costly to  
operators and sampling imposes those costs on operators on an arbitrary basis.

DISSENTING STATEMENT OF  
COMMISSIONER MICHAEL POWELL

Re: 1998 Biennial Regulatory Review: "Annual Report of Cable Television Systems, Form 325, Filed Pursuant to Section 76.403 of the Commission's Rules, CS Docket No. 98-61

I respectfully dissent from the Commission's decision not to eliminate altogether the rule requiring cable operators to file Form 325. Although the decision purports to revise and streamline the form, I believe that it would be truer to the deregulatory objectives of the Telecommunications Act of 1996 to have simply dispensed with the form altogether. As Commissioner Furchtgott-Roth has noted in his dissent, there is no statutory requirement that the Commission collect the information required by this form. Indeed, as the item notes, the Commission has not collected the information since 1994. Order, para. 4. Under these circumstances, I find it hard to accept the assertions of the order, that there is an actual need for the Commission to reimpose this regulatory burden on any cable operators.

There is no reason to assume, as this Order does, that general information about cable operators is not available from private sources or industry groups such as the National Cable Television Association. Nor is there any reason to assume that private parties will lack the information they need to file leased access or program access complaints. Parties have continued to file complaints and the Commission has acted on them even though it was not collecting Form 325 information. Similarly, the contention of the Order that the information "will also assist the Commission in preparing its annual cable competition report" rings hollow in light of the fact that the Commission conducts a separate proceeding to collect information for that report. This proposition is even more questionable since the information collected will only be obtained from select cable systems.

In sum, I am not persuaded that there is a need to reimpose the requirement that cable operators file Form 325, therefore, I respectfully dissent.